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ESTHER LESSLEY,

objections has expired.

Plaintiff,

VS. CAROLYN W. COLVIN, Acting

Commissioner of Social Security,

Defendant.

The court has considered the report and recommendation of the United States Magistrate Judge (#14) filed on November 13, 2015, in which the Magistrate Judge recommends that this court enter an order denying plaintiff's motion for remand or reversal (#9) and granting defendant's cross-motion to affirm (#10). No objections to the report and recommendation have been filed and the time for filing any

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

3:15-cv-00096-HDM-VPC

ORDER

The court has considered the pleadings and memoranda of the parties and other relevant matters of record and has made a review and determination in accordance with the requirements of 28 U.S.C. § 636 and applicable case law. One of the principle contentions in the plaintiff's motion is that the Administrative Law Judge (ALJ) failed to identify and resolve the apparent conflict between the vocational

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expert's testimony and the Dictionary of Occupational Titles. The court concludes that there was no conflict, and, therefore, the ALJ's failure to inquire whether a conflict existed is harmless error. See Black v. Comm'r, Soc. Sec. Admin., No. 2:13-cv-1258-LDG-VCF, 2015 WL 6082081, at *8 (D. Nev. Oct. 14, 2015) (reasoning that "reaching" incorporates single hand/arm use, as well dual hand/arm use). The court further finds that three of the ALJ's reasons for supporting her adverse credibility finding were valid. As such, the ALJ's error in relying on plaintiff's termination from employment is harmless. See Carmickle v. Comm'r, Soc. Sec. Admin., 533 F.3d 1155, 1163 (9th Cir. 2008) (applying harmless error standard where two of the ALJ's four reasons supporting an adverse credibility finding were not clear or convincing).

Accordingly, the court hereby **ADOPTS AND ACCEPTS** the report and recommendation of the United States Magistrate Judge (#14). Therefore, plaintiff's motion for remand or reversal (#9) is denied and defendant's cross-motion to affirm (#10) is granted. The Clerk of the Court shall enter judgment accordingly.

IT IS SO ORDERED.

DATED: This 18th day of April, 2016.

UNITED STATES DISTRICT JUDGE

Howard DM: Killen